

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANGEL BAKOV, JULIE
HERRERA, Individually and
on behalf of all others
similarly situated,,

CASE NO. 1:15-cv-02980

Plaintiff(s),

vs.

CONSOLIDATED WORLD TRAVEL,
INC., d/b/a HOLIDAY CRUISE
LINE, a Florida
corporation,

Defendant(s).

AND RELATED ACTION.

DEPOSITION OF KINAYA HEWLETT
Sacramento, California
Friday, February 16, 2018
Volume I

Reported by:

Carrie Pederson

CSR No. 4373, RMR, CRR

Job No. 2789521

Pages 1 - 152

CONFIDENTIAL PAGES: 83-84

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 5 ANGEL BAKOV, JULIE HERRERA, Individually and 6 on behalf of all others similarly situated,, 7 CASE NO. 1:15-cv-02980 8 Plaintiff(s), 9 vs. 10 CONSOLIDATED WORLD TRAVEL, INC., d/b/a HOLIDAY CRUISE 11 LINE, a Florida corporation, 12 13 Defendant(s). 14 15 _____ 16 17 18 Deposition of KINAYA HEWLETT, Volume I, 19 taken on behalf of the defendants, at 1 Capitol Mall, 20 Suite 240, Sacramento, California, beginning at 21 9:50 a.m. and ending at 12:42 p.m. on Friday, 22 February 16, 2018, before Carrie Pederson, Certified 23 Shorthand Reporter No. 4373. 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX 2 WITNESS: 3 KINAYA HEWLETT 4 Volume I 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">PAGE</p> <p>6 7 Examination By Mr. Backman 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 For Plaintiff(s): 4 BURSAR & FISHER, P.A. 5 BY: THOMAS REYDA 6 Attorney at Law 7 1990 N. California Boulevard 8 Suite 940 9 Walnut Creek, California 94596 10 925-300-4455 11 treyda@bursar.com 12 13 For Defendant(s): 14 GREENSPOON MARDER LLP 15 BY: JEFFREY A. BACKMAN 16 Attorney at Law 17 200 East Broward Boulevard 18 Suite 1800 19 Fort Lauderdale, Florida 33301 20 954-491-1120 21 jeffrey.backman@gmlaw.com 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBITS 2 DEFENDANT'S 3 DESCRIPTION PAGE 4 Exhibit 1 First Amended Class Action 85 Complaint 5 6 Exhibit 2 Plaintiff's Responses to 88 Defendant Consolidated World Travel, Inc.'s First Set of 7 Interrogatories 8 Exhibit 3 Plaintiff Kinaya Hewlett's 116 Supplemental Responses to 9 Defendant Consolidated World Travel, Inc.'s First Set of 10 Interrogatories 11 Exhibit 4 Plaintiff Kinaya Hewlett's 123 Supplemental Responses to 12 Defendant Consolidated World Travel, Inc.'s First Set of 13 Interrogatories 14 Exhibit 5 Affidavit of Business Records 137 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 22</p> <p>1 came?</p> <p>2 A. I want to say maybe a 916 number or -- yeah,</p> <p>3 a 916 number because I follow them. I stay in</p> <p>4 Sacramento, so my answer is I really don't answer</p> <p>5 1-800 numbers, so I'm going to answer like that.</p> <p>6 Q. Is there anything that you could look at</p> <p>7 that would be able to allow you to associate a</p> <p>8 particular telephone number on a particular date back</p> <p>9 to this call that you're describing for me?</p> <p>10 A. Nothing I can recall, no.</p> <p>11 Q. Were you interested in getting the cruise</p> <p>12 when the offer was presented?</p> <p>13 A. Not really, but I answered the call, and so</p> <p>14 I just listened to what, you know, the call had to</p> <p>15 say.</p> <p>16 Q. On any of the times that you called back,</p> <p>17 did you try to actually get them to give you a cruise</p> <p>18 without having to give your credit card?</p> <p>19 A. No.</p> <p>20 Q. So if the first call was in May or June</p> <p>21 of 2014, when was the second call?</p> <p>22 A. Maybe a couple of weeks later because at</p> <p>23 this point, I think they was toying with me because,</p> <p>24 like I say, I start cussing them out and --</p> <p>25 Q. Well, you hadn't cussed them out yet; right?</p>	<p style="text-align: right;">Page 24</p> <p>1 time period?</p> <p>2 A. Yeah. We're still in the nice zone with</p> <p>3 them, you understand.</p> <p>4 Q. The nice zone?</p> <p>5 A. Yeah. So --</p> <p>6 Q. So what happens on the second call? What do</p> <p>7 you remember about it?</p> <p>8 A. I wanted to just -- when I picked up, I</p> <p>9 wound up just hanging up because I knew who it was</p> <p>10 and called it back and tried to take my number off</p> <p>11 the call, and then -- go ahead.</p> <p>12 Q. No. Please --</p> <p>13 A. Oh.</p> <p>14 Q. -- finish telling me.</p> <p>15 A. And then as time progressed, as I realized</p> <p>16 they wasn't taking my number out, then I started</p> <p>17 getting very rude with them.</p> <p>18 Q. Okay. So, again, you're talking about</p> <p>19 getting rude after more calls were made --</p> <p>20 A. Yes.</p> <p>21 Q. -- not after the second call? You hadn't</p> <p>22 been rude yet; right?</p> <p>23 A. Yes.</p> <p>24 Q. I want to go back to the first call. One</p> <p>25 more question I wanted to ask you. Do you remember</p>
<p style="text-align: right;">Page 23</p> <p>1 I mean this is only the second call?</p> <p>2 A. After the first -- maybe after about the</p> <p>3 fourth phone call, I started cussing them out, and I</p> <p>4 think they started toying with me because now I was</p> <p>5 getting calls, like two and three calls, like,</p> <p>6 back-to-back, and it was the same person.</p> <p>7 Q. All right. Stay with me for a second. So</p> <p>8 the first call is in May or June of 2014. The second</p> <p>9 call, you think, is a couple weeks later?</p> <p>10 A. Yeah.</p> <p>11 Q. Right?</p> <p>12 A. I changed my number because they kept</p> <p>13 calling.</p> <p>14 Q. We're going to get there. You're going to</p> <p>15 get to tell me all that, I promise. I'm just trying</p> <p>16 to figure out the sequence of events here and it's my</p> <p>17 job. I got to know all the details; all right? So</p> <p>18 it might sometimes seem tedious, but I got to try to</p> <p>19 do it. So if the second call comes in two weeks</p> <p>20 later -- that's what you just said, I think.</p> <p>21 A. I said like maybe -- I just know it was a</p> <p>22 few days later.</p> <p>23 Q. Few days later?</p> <p>24 A. Yeah, few days later.</p> <p>25 Q. Okay. So we're still in the May-June 2014</p>	<p style="text-align: right;">Page 25</p> <p>1 what you were doing at the time you got the first</p> <p>2 call?</p> <p>3 A. I have a baby, and so I was dealing with my</p> <p>4 baby.</p> <p>5 Q. Do you know what time of the day it was that</p> <p>6 you got this call?</p> <p>7 A. During the day.</p> <p>8 Q. Any better time on there?</p> <p>9 A. Maybe afternoon. Afternoon like --</p> <p>10 Q. How old was your -- do you have a daughter</p> <p>11 or son?</p> <p>12 A. Daughter.</p> <p>13 Q. How old was your daughter in 2014?</p> <p>14 A. 2014, she was three.</p> <p>15 Q. Did she nap at the time?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know, as you sit here, exactly what</p> <p>18 it was you were doing when you got this call?</p> <p>19 A. I can't recall exactly what I was doing,</p> <p>20 but --</p> <p>21 Q. Did you get -- back in 2014, did you get</p> <p>22 other calls from other people that you would think</p> <p>23 are telemarketers?</p> <p>24 A. Yes.</p> <p>25 Q. How many calls do you think you got a day</p>

<p style="text-align: right;">Page 102</p> <p>1 anybody dial these calls to you, did you?</p> <p>2 A. No.</p> <p>3 Q. Like I say, you never saw the equipment that</p> <p>4 might have been used if any; right?</p> <p>5 A. Yes.</p> <p>6 Q. So you don't know?</p> <p>7 A. (Moves head up and down).</p> <p>8 Q. Right?</p> <p>9 A. Right.</p> <p>10 Q. And it says in March 2016, you were getting</p> <p>11 calls nearly daily. Were you getting daily calls in</p> <p>12 March 2016?</p> <p>13 A. Like I say, we was a battlefield between us,</p> <p>14 and they was toying with me.</p> <p>15 Q. Uh-huh.</p> <p>16 A. And I think at one point to where it was the</p> <p>17 same guy with an Indian voice, we be cussing each</p> <p>18 other out, and I think he did it to annoy me and --</p> <p>19 Q. How come in this response you don't tell us</p> <p>20 about any calls in 2014 or 2015?</p> <p>21 A. I did.</p> <p>22 Q. Do you see it in here?</p> <p>23 MR. REYDA: Take your time to look at the</p> <p>24 response before you answer.</p> <p>25 THE WITNESS: Okay. It's not in here, but I</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. -- March 14, 2016; a time, 1:35 p.m.; the</p> <p>2 number calling (916) 340-8242; and then caller</p> <p>3 identification, it says "Holiday Cruise Line"; right?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. You got to answer yes or noes.</p> <p>8 A. Yes.</p> <p>9 Q. Do you know where you got that information</p> <p>10 from to put in response to this interrogatory?</p> <p>11 A. From Metro Block It.</p> <p>12 Q. Right. And that's what we talked about</p> <p>13 before. Other than Metro Block It, you have no way</p> <p>14 of providing this type of information with respect to</p> <p>15 the call that you got; right?</p> <p>16 A. No.</p> <p>17 Q. So my statement is correct?</p> <p>18 A. I'm not really understanding what are you</p> <p>19 trying to say because --</p> <p>20 MR. REYDA: If you could restate the</p> <p>21 question for her.</p> <p>22 THE WITNESS: Yeah, because you keep asking</p> <p>23 the same question over and over in, like, different</p> <p>24 forms, and I keep saying the same thing. It's, like,</p> <p>25 I don't know. I mean okay. Can I take a break?</p>
<p style="text-align: right;">Page 103</p> <p>1 did.</p> <p>2 BY MR. BACKMAN:</p> <p>3 Q. Right. You see how there's like a little</p> <p>4 log, like four foxes?</p> <p>5 A. I see "Time," "Date," "Number Calling."</p> <p>6 Q. And then at the top of the next page --</p> <p>7 sorry. Then at the top of the next page, there's a</p> <p>8 single line with a date, a time, a telephone number</p> <p>9 and then a reference to Holiday Cruise Line?</p> <p>10 A. Uh-huh.</p> <p>11 Q. See that?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Yes? Yes?</p> <p>14 MR. REYDA: Answer verbally.</p> <p>15 THE WITNESS: Yes. Yes.</p> <p>16 BY MR. BACKMAN:</p> <p>17 Q. How come you didn't provide here any detail</p> <p>18 with respect to any other call?</p> <p>19 A. I'm not for sure.</p> <p>20 Q. Is it because you don't have any information</p> <p>21 for any other call?</p> <p>22 A. I'm not for sure what you're speculating.</p> <p>23 Q. You see there's information here. There's a</p> <p>24 date --</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 105</p> <p>1 Because I'm getting frustrated.</p> <p>2 MR. REYDA: Hold on one second. Kinaya, sit</p> <p>3 for one second, calm down. You have to answer the</p> <p>4 question pending, and then you can take a break.</p> <p>5 THE WITNESS: What was the question?</p> <p>6 MR. REYDA: Can you restate the question</p> <p>7 instead of referencing it in shorthand?</p> <p>8 MR. BACKMAN: Can you go back up?</p> <p>9 BY MR. BACKMAN:</p> <p>10 Q. So looking at the detail of the information</p> <p>11 that we just looked at in response to this</p> <p>12 interrogatory that you provided, do you have any way</p> <p>13 to identify a single one of the other calls that you</p> <p>14 claim came from Holiday Cruise Line?</p> <p>15 MR. REYDA: Objection. Calls for expert</p> <p>16 testimony. She can rely on people to carry that</p> <p>17 burden of proof rather than her own personal</p> <p>18 recollection.</p> <p>19 To the extent you can answer.</p> <p>20 THE WITNESS: No, I can't. I can't tell you</p> <p>21 every number that they call from. No, I can't.</p> <p>22 BY MR. BACKMAN:</p> <p>23 Q. You can't tell me anything other than with</p> <p>24 respect to this one call?</p> <p>25 MR. REYDA: Objection. Asked and answered.</p>

<p style="text-align: right;">Page 110</p> <p>1 A. No. I change my number one time.</p> <p>2 Q. What happened to five times? What happened</p> <p>3 to that?</p> <p>4 A. No, no. I changed my number where I had to</p> <p>5 pay to change my number. It's five dollars to change</p> <p>6 a number, to get a new number.</p> <p>7 Q. Okay. And you still did that five times?</p> <p>8 We're still consistent with that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. But the other times was instead of change</p> <p>12 it, paying the five dollars to change the number, I</p> <p>13 just changed the service, started a new plan.</p> <p>14 Q. When did you do that?</p> <p>15 A. I don't remember. Like after maybe the four</p> <p>16 times I got new service -- I mean new numbers.</p> <p>17 Q. Okay. So after you filed the lawsuit</p> <p>18 against Holiday Cruise Line?</p> <p>19 A. Yeah.</p> <p>20 Q. Right? Yes?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you talked to me about, you know,</p> <p>23 some costs that you had to incur in changing your</p> <p>24 number and changing your plan. What other damages do</p> <p>25 you think you suffered as a result of getting these</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. And how did you know that that guy was</p> <p>2 associated with Holiday Cruise Line?</p> <p>3 A. Because he called right back, and he called</p> <p>4 back directly. It wasn't a recording. It would be</p> <p>5 from the same number, but it wouldn't be -- it would</p> <p>6 be him calling directly in. I didn't argue. That's</p> <p>7 what made me file the complaint.</p> <p>8 Q. Did you ever have to go to the hospital</p> <p>9 after you hung up one of these calls?</p> <p>10 A. No.</p> <p>11 Q. Did you ever have to take medication?</p> <p>12 A. Yes.</p> <p>13 Q. What kind of medication?</p> <p>14 A. I take Clonidine.</p> <p>15 Q. Want to spell that for her?</p> <p>16 (Discussion off the record)</p> <p>17 BY MR. BACKMAN:</p> <p>18 Q. You would hang up the call, and you would go</p> <p>19 and grab your medication and take it, or you would</p> <p>20 take that medication every day anyway?</p> <p>21 A. No, I don't take it every day, no.</p> <p>22 Q. You were just reaching in your purse to grab</p> <p>23 it, weren't you?</p> <p>24 A. Yes.</p> <p>25 Q. You carry it on you?</p>
<p style="text-align: right;">Page 111</p> <p>1 calls?</p> <p>2 A. Well, I have high blood pressure, and</p> <p>3 that -- me getting mad and cussing and stuff, it</p> <p>4 raises my blood pressure, so it caused me harm.</p> <p>5 Q. Did that happen on every single call?</p> <p>6 A. Well, after we started getting hostile with</p> <p>7 each other, yes.</p> <p>8 Q. What about the first group of calls before</p> <p>9 that?</p> <p>10 A. It was more like I was brushing them off, so</p> <p>11 yeah.</p> <p>12 Q. So it wasn't raising your blood pressure on</p> <p>13 those calls?</p> <p>14 A. Yeah. It was like when I physically start</p> <p>15 arguing with them and, like, we'll be, like, back and</p> <p>16 forth, back and forth, back and forth, and then --</p> <p>17 Q. And it would raise your blood pressure?</p> <p>18 A. Well, yeah, because he would hang up and</p> <p>19 call right back, and it'd be Indian guy, and we'd be,</p> <p>20 like, cussing each other out.</p> <p>21 Q. So you're saying after you would get in one</p> <p>22 of these fights, would you hang up, and then</p> <p>23 immediately you'd get another call from some Indian</p> <p>24 guy yelling at you again?</p> <p>25 A. On one or two occasions, yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. No. I went to the pharmacy yesterday and</p> <p>2 never just took it out of my purse.</p> <p>3 Q. Any other medication you had to take after</p> <p>4 you received these calls?</p> <p>5 A. No.</p> <p>6 Q. Do you think you took that medication after</p> <p>7 you got every call?</p> <p>8 A. No, not every call, but --</p> <p>9 Q. How many times do you think you had to take</p> <p>10 the medication?</p> <p>11 A. Not -- I mean I don't -- I mean I took it</p> <p>12 one time, I was that angry, and that's when I went to</p> <p>13 the Metro PCS.</p> <p>14 Q. Do you remember what day that was?</p> <p>15 A. Whatever day I filed the complaint, whatever</p> <p>16 day it says I filed the complaint, I pushed the</p> <p>17 button on the complaint, that was the day. That's</p> <p>18 the day that I was sitting in the address -- I can't</p> <p>19 give you a specific address, but it's on the corner</p> <p>20 of Franklin -- no. Florin and Stockton in</p> <p>21 Sacramento, California, the Metro PCS headquarters.</p> <p>22 Q. Did you lose any sleep as a result of these</p> <p>23 calls?</p> <p>24 A. No. I had to look at the time. It was</p> <p>25 1:35 a.m., I was up, but -- no, that's p.m. No.</p>

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1 30 days after transcript.
 2 MR. BACKMAN: Thank you.
 3 MR. REYDA: Thank you.
 4 THE REPORTER: Do you want a copy?
 5 MR. REYDA: I would love a copy. No rush
 6 needed.
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1 I, the undersigned, a Certified Shorthand
 2 Reporter of the State of California, do hereby
 3 certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place herein set forth;
 6 that any witnesses in the foregoing proceedings,
 7 prior to testifying, were duly sworn; that a record
 8 of the proceedings was made by me using machine
 9 shorthand which was thereafter transcribed under my
 10 direction; that the foregoing transcript is a true
 11 record of the testimony given.
 12 Further, that if the foregoing pertains to
 13 the original transcript of a deposition in a Federal
 14 Case, before completion of the proceedings, review of
 15 the transcript [x] was [] was not requested.
 16 I further certify I am neither financially
 17 interested in the action nor a relative or employee
 18 of any attorney or party to this action.
 19 IN WITNESS WHEREOF, I have this date
 20 subscribed my name.
 21
 22 Dated: March 7, 2018
 23 Carrie Pederson
 24 CARRIE PEDERSON
 25 CSR No. 4373

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 8
 9
 10 I, KINAYA HEWLETT, do hereby declare under
 11 penalty of perjury that I have read the foregoing
 12 transcript; that I have made any corrections as
 13 appear noted, in ink, initialed by me, or attached
 14 hereto; that my testimony as contained herein, as
 15 corrected, is true and correct.
 16 EXECUTED this _____ day of _____,
 17 20_____, at _____, _____.
 18 (City) (State)
 19
 20
 21 _____
 22 KINAYA HEWLETT
 23
 24
 25

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1 ERRATA SHEET
 2 RE : Bakov, Angel, Julie Herrera And Kinaya Hewlett v.
 Consolidated World Travel, Inc.
 DEPO OF: Kinaya Hewlett
 3 TAKEN : 2/16/2018
 4 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE
 5 Page #| Line #| Change | Reason
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 20 _____|_____|_____|_____
 21 State of Florida)
 County of Dade)
 22
 Under penalties of perjury, I declare that I have
 23 read my deposition transcript, and it is true and
 correct subject to any changes in form or
 24 substance entered here.
 25 _____
 Date WITNESS NAME